

Presentment Date: June 2, 2016
Presentment Time: 10:00 AM

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Case No. 14-11878 (JLG)

Franco Mariani and Patricia Mariani,

Chapter 13

Debtors.

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NOTICE OF PRESENTMENT AND OPPORTUNITY FOR HEARING

PLEASE TAKE NOTICE that upon the annexed application of Todd S. Cushner, the undersigned will present the annexed proposed Order to the court, seeking approval for Debtors to enter a loan modification with Fay Servicing, LLC, as servicer for Metropolitan Life Insurance Company, to the Honorable Judge James L. Garrity, United States Bankruptcy Judge, Southern District of New York, for signature on June 2, 2016, at 10:00AM.

PLEASE TAKE FURTHER NOTICE that unless written objections to the proposed Order with proof of service, are filed with the Clerk of the Court and courtesy copies delivered to the Bankruptcy Judge's chambers at least three (3) days before the date of presentment there will not be a hearing and the Order may be signed on default.

PLEASE TAKE FURTHER NOTICE that if written objection is timely filed, the Court will notify the moving and objecting parties of the date and time of the hearing and of the moving party's obligation to notify all other parties entitled to receive notice. The moving and

objecting parties are required to attend the hearing, and failure to attend in person or by counsel may result in relief being granted or denied on default.

Dated: March 4, 2016
White Plains, New York

/s/Todd S. Cushner
Todd S. Cushner
Attorney for Debtors
Garvey Tirelli & Cushner Ltd.
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IN RE:

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**AFFIRMATION IN SUPPORT OF DEBTORS' APPLICATION FOR AN ORDER APPROVING LOAN
MODIFICATION WITH FAY SERVICING LLC, AS SERVICER FOR METROPOLITAN LIFE INSURANCE
COMPANY**

Todd S. Cushner, an attorney at law duly admitted to the Southern District of New York,
affirms as follows:

1. I am the attorney for Debtors Franco Mariani and Patricia Mariani in the instant bankruptcy proceeding.
2. I submit this affirmation in support of Debtors' application seeking an Order approving a loan modification between Debtors and Fay Surviving, LLC, as servicer for Metropolitan Life Insurance Company.
3. On June 24, 2014, the instant voluntary petition was filed under Chapter 13 of the Bankruptcy Code in the Southern District of New York, White Plains Division, Case Number 14-11878.
4. Fay Servicing, LLC, as servicer for Metropolitan Life Insurance Company ("FAY SERVICING") is a secured creditor in the instant bankruptcy proceeding. FAY SERVICING, AS SERVICER FOR METROPOLITAN LIFE INSURANCE COMPANY holds a perfected security interest (mortgage) on Debtors' primary residence, located at 3154 Baisley Avenue, Bronx, NY 10465.
5. Debtors and FAY SERVICING, AS SERVICER FOR METROPOLITAN LIFE

INSURANCE COMPANY have worked together to reach an agreeable loan modification plan.

6. In November of 2015, the Debtors were offered a permanent modification by FAY SERVICING, LLC AS SERVICER FOR METROPOLITAN LIFE INSURANCE COMPANY. A copy of the parties' modification plan is attached hereto as **Exhibit A**.

7. The approval of this modification will have no adverse impact on Debtors' creditors.

8. Debtors therefore requests that this Honorable Court approve this loan modification for entry and recording.

WHEREFORE, the Debtors respectfully request that the Court grant the motion to approve the loan modification with Fay Servicing, LLC, as servicer for Metropolitan Life Insurance Company and for such other and further relief as this Court may deem just and proper.

Dated: March 4, 2016
White Plains, New York

/s/Todd S. Cushner
Todd S. Cushner
Attorney for Debtors
Garvey Tirelli & Cushner Ltd.
50 Main Street, Suite 390
White Plains, New York 10606
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Fax: (914) 946-1300

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Case No. 14-11878 (JLG)

Franco Mariani and Patricia Mariani,

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ORDER GRANTING DEBTORS' APPLICATION FOR LOAN MODIFICATION

Upon the motion of the above Debtors Franco Mariani and Patricia Mariani (the “Debtors”), by notice of presentment dated June 2, 2016, seeking an Order to Approve Loan Modification between Debtors and Creditor Fay Servicing, LLC, as servicer for Metropolitan Life Insurance Company (the “Motion”); and, after due and sufficient notice, good cause having been shown and no adverse interest being represented, it is hereby

ORDERED, that the Motion is granted and Debtors may enter into the Loan Modification with Fay Servicing, LLC, as servicer for Metropolitan Life Insurance Company attached as Exhibit A hereto.

Dated: New York, New York
 , 2016

United States Bankruptcy Court
Honorable James L. Garrity